

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

HECTOR DEL ALTO,

Petitioner,

VS.

DOUG DRETKE,

Respondent.

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CIVIL ACTION NO. C-06-00175


**ORDER ADOPTING MEMORANDUM AND
RECOMMENDATION TO DENY
PETITIONER'S MOTION TO PROCEED *IN FORMA PAUPERIS***

On April 19, 2006, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that the petitioner be found not indigent and that his application to proceed *in forma pauperis* (D.E. 2) be denied. The Memorandum and Recommendation further recommended that petitioner be instructed to pay the filing fee within twenty (20) days of the date of entry of any order adopting the Memorandum and Recommendation or voluntarily dismiss the petition, and be further advised that failure to pay the fee within the time period proscribed may result in dismissal of his petition for failure to prosecute. Seeing no objection to this recommendation by either party, having now reviewed the recommendation, and petitioner having paid the filing fee \$5.00 filing fee, this Court hereby adopts as its own the Memorandum and Recommendation as the decision of the Court. Accordingly, it is

ORDERED that petitioner's application to proceed *in forma pauperis* is denied.

The clerk shall enter this order and provide a copy to all parties.

SIGNED this 25th day of May, 2006.


Jarvis Graham Jack
United States District Judge